

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHILBERT GORRICK,

Plaintiff,

- against -

NEW YORK CITY TRANSIT AUTHORITY

Defendant.

x

NOTICE OF MOTION

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08 CV 4396 (GBD)(AJP)

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x

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law, dated June 11, 2008, with the Declaration of Ann Burton Goetcheus, Esq. and attached exhibits and upon all papers filed herein, a motion by Defendant New York City Transit Authority will be made to this Court, the Honorable George B. Daniels presiding, at the courthouse located at 500 Pearl Street, New York, New York, at a time to be selected by the Court, to dismiss the Plaintiff's Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the ground that the Complaint fails to state a claim upon which relief may be granted under the Driver's Privacy Protection Act, the Americans with Disabilities Act, the New York State or City Human Rights Law, and for such other and further relief as this Court may deem just and proper.

Dated: Brooklyn, New York
June 11, 2008

Respectfully submitted,
MARTIN B. SCHNABEL
General Counsel
Attorney for Defendant

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By: /s/ Ann Burton Goetcheus
Ann Burton Goetcheus
Executive Agency Counsel

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